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Attorney for Plaintiff and Counter-Defendant  
Gregory Bender

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

Gregory Bender,  
  
Plaintiff and Counter-Defendant,  
  
v.  
  
Motorola, Inc.,  
  
Defendant. and Counter-Claimant.

**CASE NO. C 09-01245 SBA (LB)**

**STIPULATION OF DISMISSAL OF  
ACTION, WITH PREJUDICE; AND  
[PROPOSED] ORDER**

Plaintiff and Counter-Defendant Gregory Bender and Defendant and Counter-Claimant  
Motorola, Inc. hereby inform the Court that they have reached definitive agreement on the terms  
of dismissal, with prejudice, of all claims and counterclaims of the parties in this action and  
hereby submit this Stipulation of Dismissal of Action, With Prejudice; and [Proposed] Order.

Pursuant to Rule 41(a)(2) and (c) of the Federal Rules of Civil Procedure, the parties  
hereto hereby stipulate to dismiss, WITH PREJUDICE, all claims and counterclaims of the  
parties in this action, with each party to bear his/its own costs, expenses, and attorney's fees.

SO STIPULATED.

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1 Dated: December 30, 2010

Respectfully submitted,

2 Jones Day

3  
4 By: /s/ Greg L. Lippetz

5 Greg L. Lippetz  
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Counsel for Defendant Motorola, Inc.

13 In accordance with General Order No. 45, Section X(B), the signatory below attests that  
14 concurrence in the filing of this document has been obtained from the signatory above.

15 Dated: December 30, 2010

By: /s/ David N. Kuhn

16 David N. Kuhn  
17 Attorney-at-Law  
18 144 Hagar Avenue  
19 Piedmont, California 94611  
20 Telephone: (510) 653-4983

Counsel for Plaintiff Gregory Bender

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

22 DATED: 1/10, 2011

By: 

23 THE HON. SAUNDRA B. ARMSTRONG  
24 United States District Court Judge